



Sen. A. J. Wilhelmi

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09700SB1044sam001

LRB097 04748 RLC 54498 a

1 AMENDMENT TO SENATE BILL 1044

2 AMENDMENT NO. _____. Amend Senate Bill 1044 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 124B-500 and by adding Part 650 to
6 Article 124B as follows:

7 (725 ILCS 5/124B-500)

8 (Text of Section after amendment by P.A. 96-1551)

9 Sec. 124B-500. Persons and property subject to forfeiture.

10 A person who commits the offense of promoting juvenile
11 prostitution, keeping a place of juvenile prostitution, or
12 exploitation of a child, ~~child pornography, or aggravated child~~
13 ~~pornography~~ under subdivision (a)(1) or (a)(4) of Section
14 11-14.4 or under Section 11-17.1 or ~~11-19.2, 11-20.1,~~
15 ~~11-20.1B, or 11-20.3~~ of the Criminal Code of 1961 shall forfeit
16 the following property to the State of Illinois:

1 (1) Any profits or proceeds and any property the person
2 has acquired or maintained in violation of subdivision
3 (a)(1) or (a)(4) of Section 11-14.4 or in violation of
4 Section 11-17.1 or ~~7~~ 11-19.2~~, 11-20.1, 11-20.1B, or 11-20.3~~
5 of the Criminal Code of 1961 that the sentencing court
6 determines, after a forfeiture hearing under this Article,
7 to have been acquired or maintained as a result of keeping
8 a place of juvenile prostitution or ~~7~~ exploitation of a
9 child~~, child pornography, or aggravated child pornography.~~

10 (2) Any interest in, securities of, claim against, or
11 property or contractual right of any kind affording a
12 source of influence over any enterprise that the person has
13 established, operated, controlled, or conducted in
14 violation of subdivision (a)(1) or (a)(4) of Section
15 11-14.4 or in violation of Section 11-17.1 or ~~7~~ 11-19.2~~7~~
16 ~~11-20.1, 11-20.1B, or 11-20.3~~ of the Criminal Code of 1961
17 that the sentencing court determines, after a forfeiture
18 hearing under this Article, to have been acquired or
19 maintained as a result of keeping a place of juvenile
20 prostitution or ~~7~~ exploitation of a child~~, child~~
21 ~~pornography, or aggravated child pornography.~~

22 (3) (Blank). ~~Any computer that contains a depiction of~~
23 ~~child pornography in any encoded or decoded format in~~
24 ~~violation of Section 11-20.1, 11-20.1B, or 11-20.3 of the~~
25 ~~Criminal Code of 1961. For purposes of this paragraph (3),~~
26 ~~"computer" has the meaning ascribed to it in Section 16D-2~~

1 ~~of the Criminal Code of 1961.~~

2 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

3 (725 ILCS 5/Art. 124B Pt. 650 heading new)

4 Part 650. Persons and Property Subject to Forfeiture

5 (725 ILCS 5/124B-650 new)

6 Sec. 124B-650. Persons and property subject to forfeiture.

7 (a) For the purpose of this Part 650, "computer facilitated
8 child exploitation offense" includes any of the following
9 offenses in which a computer was utilized in any part, whether
10 direct or indirect, to commit or in any manner facilitate the
11 commission of the offense of:

12 (1) luring of a minor (720 ILCS 5/10-5.1);

13 (2) indecent solicitation of a child (720 ILCS 5/11-6);

14 (3) solicitation to meet a child (720 ILCS 5/11-6.6);

15 (4) sexual exploitation of a child (720 ILCS 5/11-9.1);

16 (5) child pornography (720 ILCS 5/11-20.1);

17 (6) aggravated child pornography (720 ILCS 5/11-20.3
18 or 5/11-20.1B);

19 (7) child photography by sex offender (720 ILCS
20 5/11-24);

21 (8) grooming (720 ILCS 5/11-25); or

22 (9) traveling to meet a minor (720 ILCS 5/11-26).

23 (b) Any person who has committed a computer facilitated
24 child exploitation offense shall forfeit any property that the

1 forfeiture court determines, after a forfeiture hearing under
2 this Article, (i) the person has maintained or used, in whole
3 or in part, to assist, provide location for, or facilitate,
4 directly or indirectly, the commission of the violation; or
5 (ii) the person has acquired, in whole or in part, as a result
6 of committing the computer facilitated child exploitation
7 offense.

8 (c) Property subject to forfeiture under this Part 650
9 includes the following:

10 (1) Any computer as defined in Section 16D-2 of the
11 Criminal Code of 1961 used, in any manner or part, to
12 commit or in any manner to facilitate the commission of a
13 computer facilitated child exploitation offense, or any
14 other computer networked together with such a computer
15 inside the same residence. For purposes of this paragraph
16 (1), "networked together" means connected via a wired or
17 wireless protocol for the purpose of sharing networked
18 resources, including, but not limited to, Internet access,
19 file sharing, printers, peer-to-peer protocol usage, or
20 media streaming.

21 (2) All moneys, things of value, books, records, and
22 research products and materials that are used or intended
23 to be used in committing a computer facilitated child
24 exploitation offense.

25 (3) Any vehicle that is used or intended to be used, in
26 any manner or part, to commit or in any manner facilitate

1 the commission, of a computer facilitated child
2 exploitation offense including any right, title, and
3 interest in that vehicle.

4 (4) All real property, including any right, title, and
5 interest (including, but not limited to, any leasehold
6 interest or the beneficial interest in a land trust) in the
7 whole of any lot or tract of land and any appurtenances or
8 improvements, that is used or intended to be used, in any
9 manner or part, to commit or in any manner to facilitate
10 the commission of a computer facilitated child
11 exploitation offense.

12 (725 ILCS 5/124B-655 new)

13 Sec. 124B-655. Distribution of property and sale proceeds.

14 (a) All moneys and the sale proceeds of all other property
15 forfeited and seized under this Part 650 shall be distributed
16 as follows:

17 (1) 75% shall be distributed to the unit of local
18 government whose computer forensic laboratory conducted
19 the forensic examination of the computers utilized to
20 commit any computer facilitated child exploitation
21 offense. Amounts distributed to the unit of local
22 government operating the computer forensic laboratory
23 shall be used for training or enforcement purposes relating
24 to detection, investigation, or prosecution of computer
25 facilitated child exploitation offenses. If, however, the

1 investigation, arrest or arrests, and prosecution leading
2 to the forfeiture were undertaken solely by a State agency,
3 the portion provided under this paragraph (1) shall be paid
4 into the State Police Services Fund of the Illinois
5 Department of State Police to be used for training or
6 enforcement purposes relating to detection, investigation,
7 or prosecution of computer facilitated child exploitation
8 offenses.

9 (2) 12.5% shall be distributed to the unit of local
10 government whose officers or employees conducted the
11 investigation into any computer facilitated child
12 exploitation offense and caused the arrest or arrests and
13 prosecution leading to the forfeiture. Amounts distributed
14 to units of local government shall be used for training or
15 enforcement purposes relating to detection, investigation,
16 or prosecution of computer facilitated child exploitation
17 offenses. If, however, the investigation, arrest or
18 arrests, and prosecution leading to the forfeiture were
19 undertaken solely by a State agency, the portion provided
20 under this paragraph (2) shall be paid into the State
21 Police Services Fund of the Illinois Department of State
22 Police to be used for training or enforcement purposes
23 relating to detection, investigation, or prosecution of
24 computer facilitated child exploitation offenses.

25 (3) 12.5% shall be distributed to the county in which
26 the prosecution and petition for forfeiture resulting in

1 the forfeiture was instituted by the State's Attorney and
2 shall be deposited into a special fund in the county
3 treasury and appropriated to the State's Attorney for use
4 in training or enforcement purposes relating to detection,
5 investigation and forensic examination, or prosecution of
6 child exploitation-related crimes. If a prosecution and
7 petition for forfeiture resulting in the forfeiture has
8 been maintained by the Attorney General, 50% of the
9 proceeds shall be paid into the Attorney General's Sex
10 Offender Awareness, Training, and Education Fund.

11 (b) For purposes of this Section, "computer forensic
12 laboratory" means a secure facility with 3 or more forensic
13 workstations networked to a centralized forensic file server,
14 staffed with at least one computer forensic examiner holding a
15 nationally recognized computer forensic examination
16 certification.

17 (c) Before any distribution under subsection (a), the
18 Attorney General or State's Attorney shall retain from the
19 forfeited moneys or sale proceeds, or both, sufficient moneys
20 to cover expenses related to the administration and sale of the
21 forfeited property.

22 (725 ILCS 5/124B-660 new)

23 Sec. 124B-660. Standard forfeiture provisions incorporated
24 by reference. All of the provisions of Part 100 of this
25 Article are incorporated by reference into this Part 650."